

### REMARKS

Applicants respectfully request further examination and reconsideration in view of the instant response. The claims remaining in the present application are Claims 1-27. Claim 9 has been amended. No new matter has been added. Claims 1-27 are rejected.

### SPECIFICATION OBJECTIONS

The instant Office Action states that the word “journaling” in the term “journaling proxy” lacks definition in the specification (page 2, paragraph 2). Applicants respectfully submit that the specification provides proper antecedent basis for the claimed subject matter “journaling proxy.” MPEP § 608.01(o) states, in part, that “[t]he meaning of every term used in any of the claims should be apparent from the descriptive portion of the specification with clear disclosure as to its import” and “[a] term used in the claims may be given a special meaning in the description.” Furthermore, an applicant may be his or her own lexicographer and may define specific terms used to describe invention, but must do so “with reasonable clarity, deliberateness, and precision” and, if done, must “set out his uncommon definition in some manner within the patent disclosure so as to give one of ordinary skill in the art notice of the change” in meaning (MPEP 2111.01(IV)).

The term “journaling proxy” has been properly defined throughout the instant application. In general, the “journaling proxy” is a proxy that performs a journaling function to facilitate the activation of a target element. Applicants

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respectfully direct the Examiner to many examples in the description that properly describe the meaning of a “journaling proxy.” Paragraph [0018] states, in part (emphasis added):

[J]ournaling proxies are interposed between the activation engine and selected target elements to intercept atomic task requests. Each journaling proxy acting on behalf of a particular target element preferably knows all the relevant configuration-related constraints of the target element. For target elements with configuration time constraints, the journaling proxy keeps track of the time window during which configuration is permissible. For a target element experiencing resetting inefficiencies, the journaling proxy associated therewith may execute its own algorithm to store up multiple configuration requests before executing them all in a batch and resetting the device only once.

Paragraph [0019] states, in part (emphasis added):

[T]he journaling proxy accepts the element-level, atomic task request from the activation engine, the journaling proxy may validate the format of the atomic task request.

The meaning of “journaling proxy” may also be found in paragraphs [0020]-[0025]. Moreover, the description describes the meaning of “journaling proxy” so that one of ordinary skill in the art would understand the meaning of the term. Therefore, Applicants respectfully submit that the description properly describes the meaning of “journaling proxy” and provides proper antecedent basis for the claimed subject matter.

### DRAWING OBJECTIONS

Figure 4 has been objected to because the drawing must show every feature of the invention specified in the claims. A claim element states “the parsing of high-level activation request into a plurality of atomic requests” which is not properly shown in Figure 4 which illustrates “request broken down to

atomic tasks”. Applicants have amended Figure 4 to show “request broken down to atomic requests” and have provided a replacement sheet herewith. Therefore, the objection with respect to Figure 4 is moot. Likewise, Figure 2 has also been amended to show “request broken down to atomic requests.”

#### CLAIM REJECTIONS – 35 U.S.C. §112, second paragraph

The instant Office Action states that Claim 9 is rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Specifically, the instant Office Action asserts that Claim 9 recites “said activation engine,” in line 2, and that there is insufficient antecedent basis for this recitation. Claim 9 has been amended to recite “an activation engine” and accordingly, Claim 9, as amended, particularly points out and distinctly claims the subject matter. Therefore, Applicants respectfully submit that Claim 9, as amended, overcomes the rejection under 35 U.S.C. § 112, second paragraph.

#### CLAIM REJECTIONS – 35 U.S.C. §103(a)

##### Claims 1-27

The instant Office Action states that Claims 1-27 are rejected under 35 U.S.C. §103(a) as being unpatentable over Refai et al (US 2004/0139193), hereinafter referred to as “Refai,” in view of Klos et al. (US 2004/0022379), hereinafter referred to as “Klos,” and Rockwell Automation’s Non-Patent Literature publication 1785-6.1, hereinafter referred to as “Rockwell.” Applicants

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respectfully submit that the embodiments of the present invention as recited in Claims 1-27 are patentable over Refai in view of Klos and Rockwell for at least the following rationale.

“As reiterated by the Supreme Court in *KSR*, the framework for the objective analysis for determining obviousness under 35 U.S.C. 103 is stated in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966). Obviousness is a question of law based on underlying factual inquiries” including “[a]scertaining the differences between the claimed invention and the prior art” (MPEP 2141(II)). “In determining the differences between the prior art and the claims, the question under 35 U.S.C. 103 is not whether the differences themselves would have been obvious, but whether the claimed invention as a whole would have been obvious” (emphasis in original; MPEP 2141.02(I)). Applicants note that “[t]he prior art reference (or references when combined) need not teach or suggest all the claim limitations, however, Office personnel must explain why the difference(s) between the prior art and the claimed invention would have been obvious to one of ordinary skill in the art” (emphasis added; MPEP 2141(III)).

Applicants respectfully note that “[a] prior art reference must be considered in its entirety, i.e., as a whole, including portions that would lead away from the claimed invention” (emphasis in original; MPEP 2141.02(VI); *W.L. Gore & Associates, Inc. v. Garlock, Inc.*, 721 F.2d 1540, 220 USPQ 303 (Fed. Cir. 1983), *cert. denied*, 469 U.S. 851 (1984)). Moreover, Applicants note that “[i]f the

proposed modification or combination of the prior art would change the principle of operation of the prior art invention being modified, then the teachings of the references are not sufficient to render the claims *prima facie* obvious” (emphasis added) (MPEP 2143.01; *In re Ratti*, 270 F.2d 810, 123 USPQ 349 (CCPA 1959)). Moreover, “[i]f the proposed modification would render the prior art invention being modified unsatisfactory for its intended purpose, then there is no suggestion or motivation to make the proposed amendment” (emphasis added) (MPEP 2143.01; *In re Gordon*, 733 F.2d 900, 221 USPQ 1125 (Fed. Cir. 1984)).

Applicants respectfully direct the Examiner to independent Claim 1 that recites an embodiment of the present invention (emphasis added):

A method of activating a plurality of target elements in a computing arrangement, comprising:  
receiving a high-level activation request pertaining to said plurality of target elements;  
parsing said high-level activation request into a plurality of atomic requests; and  
receiving at time t1 a first atomic request of said plurality of atomic requests at a first journaling proxy, said first journaling proxy being associated with a first target element of said plurality of target elements, said first journaling proxy intentionally delaying sending said first atomic request to said first target element for execution until a time t2 that satisfies a set of predefined configuration parameters for said first target element.

Independent Claims 12 and 20 recite similar language. Claims 2-11 that depend from Claim 1, Claims 13-19 that depend from Claim 12 and Claims 21-27 that depend from Claim 20 also include these embodiments.

Applicants respectfully submit that Refai modified by Klos changes the principal of operation of Refai. Applicants understand the principal of operation of Refai to be a “programmable configuration management framework...” that “....makes use of a store for retrievably storing a plurality of programmable configuration requests.” Additionally, “[a] work management module...services the indentified programmable configuration requests causing a corresponding plurality of configuration commands to be issued for monitored execution to a plurality of communication network target entities” (emphasis added; paragraph [0019]).

In particular, “[u]sing the generic programmable configuration management module 306, a programmable configuration request may be created 310.” A “Programmable Change Request (PCR) is a record specifying details of a configuration management job to be performed on a large group of communications network equipment. A PCR typically specifies a list of target equipment to be configured, a configuration job, and scheduling information to perform the configuration job” (emphasis added; paragraph [0043]).

In contrast to the principal operation of Refai, Applicants understand Klos to not teach, describe or suggest a “programmable configuration management framework...” that “....makes use of a store for retrievably storing a plurality of programmable configuration requests.” Rather, Applicants understand Klos to teach a “[a] service management system...which accepts requests for

communications services from service order sources” (abstract). In particular, “[d]ue to the need to update the NEs at different times in accordance with the requested activity, and the need to send separate messages to each NE, the ability to generate multiple service activation requests with GOM 400 is needed. Each service activation request contains the appropriate information to provision the NE” (emphasis added, paragraph [0832]). It is noted that “NE” is defined as a Network Element and “GOM” is defined as Generic Order Management, as described in paragraph [0007].

Applicants agree with the instant Office Action which asserts that Refai does “not explicitly disclose...an invention substantially as claimed, including activation request” (emphasis added; page 6, line 25). As described above, Refai teaches a “configuration management framework” that only configures target entities, such as software and hardware, and does not activate any target entities. Refai does not teach, describe or suggest, any deactivated target entities that are subsequently activated by “receiving a high-level activation request pertaining to said plurality of target elements,” as claimed (emphasis added). Therefore, the suggested combination of Refai in view of Klos would change the principal of operation of Refai which is a configuration management framework that does not activate any target elements to a service management system that provides activation requests that activates target entities.

Moreover, Applicants respectfully submit that Refai in view of Klos renders Refai unsatisfactory for its intended purpose. For at least the same remarks as stated above, Applicants understand the intended purpose of Refai to be a “programmable configuration management framework...” that “....makes use of a store for retrievably storing a plurality of programmable configuration requests.” Additionally, “[a] work management module...services the indentified programmable configuration requests causing a corresponding plurality of configuration commands to be issued for monitored execution to a plurality of communication network target entities” (emphasis added; paragraph [0019]).

In contrast, Applicants understand Klos to teach a “[a] service management system...which accepts requests for communications services from service order sources” (abstract). In particular, “[d]ue to the need to update the NEs at different times in accordance with the requested activity, and the need to send separate messages to each NE, the ability to generate multiple service activation requests with GOM 400 is needed. Each service activation request contains the appropriate information to provision the NE” (emphasis added, paragraph [0832]). It is noted that “NE” is defined as a Network Element and “GOM” is defined as Generic Order Management, as described in paragraph [0007].

Applicants agree with the instant Office Action which asserts that Refai does “not explicitly disclose...an invention substantially as claimed, including



activation request” (emphasis added; page 6, line 25). As described above, Refai teaches a “configuration management framework” that only configures target entities and does not activate any target entities. Refai does not teach, describe or suggest, any deactivated network equipment that is subsequently activated by “receiving a high-level activation request pertaining to said plurality of target elements,” as claimed (emphasis added). Therefore, the suggested combination of Refai in view of Klos renders Refai unsatisfactory for its intended purpose because Refai would be modified from a “configuration management framework” that only configures target entities and does not activate target entities, to a service management system that provides activation requests that activates target entities.

Applicants respectfully submit that Refai modified by Rockwell changes the principal of operation of Refai. Applicants understand the principal of operation of Refai to be a “programmable configuration management framework...” that “....makes use of a store for retrievably storing a plurality of programmable configuration requests.” Additionally, “[a] work management module...services the identified programmable configuration requests causing a corresponding plurality of configuration commands to be issued for monitored execution to a plurality of communication network target entities” (paragraph [0019]).

Furthermore, “[u]sing the generic programmable configuration management module 306, a programmable configuration request may be created 310.” A “Programmable Change Request (PCR) is a record specifying details of a configuration management job to be performed on a large group of communications network equipment. A PCR typically specifies a list of target equipment to be configured, a configuration job, and scheduling information to perform the configuration job” (paragraph [0043]). In particular, “[h]aving specified the configuration job 408, populating the PCR 404 includes specifying PCR options 410” (paragraph [0058]).

A PCR option that provides for the principal of operation of Refai is “[i]f the end time is left unspecified then the PCR is expected to take as long as it needs to complete processing unhindered” (emphasis added; paragraph [0059]). Another example is “...execution of the PCR may need to be performed repetitively at a frequency. Furthermore, “[t]he operator is provided with the option to specify the frequency in populating the PCR 404” (emphasis added; paragraph [0060]). Also, “...in case errors are encountered during PCR execution (step 414). A first option enables trapping of errors when performing configuration changes on the targets. The execution of the PCR may be stopped on detecting a first error. Stopping the PCR execution...suppresses further configuration commands being sent to the next target in the list to be processed” (emphasis added; paragraph [0064]).

Applicants understand Rockwell to describe programmable controller that uses a “TON instruction to turn an output on or off after the time has been on a preset time interval. The TON instruction starts accumulating time when the rung goes true, and continues until one of the following happens:

- the accumulated value equals its preset value
- the rung goes false
- a reset instruction resets the timer
- the SFC step goes inactive
- the processor resets the accumulated value when the rung conditions go false, regardless of whether the timer timed out or not” (page 2).

Applicants agree with the instant Office Action which asserts that Refai does not disclose “receiving at time t1 a first atomic request [*sic*] at a first journaling proxy, said first journaling being associated with a target element..., and said journaling proxy intentionally delaying sending said first atomic request to said target element for execution until a time t2 that satisfies a set of predefined configuration parameters for said first target element...” (page 6, lines 29 – page 7, line 5). Refai combined with Rockwell changes the principal of operation of Refai because the programmable configuration management framework would not use the PCR and PCR options to configure target elements, but instead use TON instructions to configure target elements. For example, if Refai is modified by Rockwell, then the PCR option of the PCR performing repetitively at a frequency is no longer available to perform the principal of

operation. If Refai is modified by Rockwell, the PCR is no longer expected to take as long as it needs to complete processing unhindered to perform the principal of operation. If Refai is modified by Rockwell, the PCR may not be stopped on detecting a first error to perform the principal of operation. Therefore, the suggested combination of Refai and Rockwell would change the principal of operation of Refai which is a configuration management framework by way of PCR options.

Moreover, Applicants respectfully submit that the combination of Refai and Rockwell renders Refai unsatisfactory for its intended purpose. For at least the same remarks as stated above, Applicants understand the intended purpose of Refai to be a “programmable configuration management framework...” that “...makes use of a store for retrievably storing a plurality of programmable configuration requests.” The intended purpose is performed by way of the PCR and the PCR options. Refai in view of Rockwell would substitute the functionality of the PCR and PCR options with TON instructions and therefore change the intended purpose Refai. For example, Refai in view of Rockwell would not allow the processing of the configuration to take as long as it needs because the TON instruction would not allow for a configuration to take as long as it needed. Refai in view of Rockwell would not allow the process of configuration performed repetitively at a frequency because the TON instruction would not allow for it. Refai in view of Rockwell would not allow for the execution of the configuration stopped on detecting a first error, because the TON instruction would not allow

for it. Therefore, the suggested combination of Refai and Rockwell renders Refai unsatisfactory for its intended purpose because Refai would be modified from a “configuration management framework” that is controlled by a PCR and PCR options to a configuration management framework that is controlled merely by TON instructions with minimal capabilities.

Applicants respectfully submit that the combination of Refai, Klos and Rockwell does not satisfy a *prima facie* case of obviousness under 35 U.S.C. §103(a). Therefore, Applicants respectfully submit that combination of Refai, Klos and Rockwell does not render obvious the claimed embodiments of the present invention as recited in independent Claims 1, 12 and 20, that these claims overcome the rejection under 35 U.S.C. § 103(a), and that these claims are thus in a condition for allowance. Applicants respectfully submit that the combination of Refai, Klos and Rockwell also does not render obvious the additional claimed features of the present invention as recited in Claims 2-11 that depend from independent Claim 1, Claims 13-19 that depend from independent Claim 12, and Claims 21-27 that depend from independent Claim 20. Therefore, Applicants respectfully submit that Claims 2-11, 13-19 and 21-27 also overcome the rejection under 35 U.S.C. § 103(a), and are in a condition for allowance as being dependent on an allowable base claim.

### CONCLUSION

In light of the above remarks, Applicants respectfully request reconsideration of the rejected claims.

Based on the arguments presented above, Applicants respectfully assert that Claims 1-27 overcome the rejections of record, and therefore Applicants respectfully solicit allowance of these claims.

The Examiner is invited to contact Applicants' undersigned representative if the Examiner believes such action would expedite resolution of the present Application.

Respectfully submitted,

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